

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DONALD M. WASHINGTON,
Plaintiff,

v.

CIVIL ACTION NO. 1:05CV28
(Judge Keeley)

COMMISSIONER OF
SOCIAL SECURITY,
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

In 2005, the plaintiff, Donald M. Washington, ("Washington") filed a Complaint seeking judicial review, pursuant to 42 U.S.C. § 405(g), of an adverse decision by the defendant, the Commissioner of Social Security ("Commissioner"). The Court referred the matter to United States Magistrate Judge James E. Seibert, and on October 6, 2007, the Court adopted Magistrate Judge Seibert's Report and Recommendation. That Order granted Washington's motion for summary judgement for the time period of March 12, 2001 to December 7, 2002.

On January 4, 2007, Washington filed a "Motion for Attorney's Fees" seeking \$3,233.10 for 19.20 hours of work by his attorney and that attorney's paralegal[s]. The Commissioner filed a "Brief in Opposition to Plaintiff's Motion for Award of Attorney's Fees" on January 19, 2007. The Court referred to the matter to Magistrate Judge John S. Kaull.

ORDER ADOPTING REPORT AND RECOMMENDATION

On September 4, 2007, Magistrate Judge Kaul issued a Report and Recommendation/Opinion, recommending that Washington's counsel be compensated in the amount of \$2,997.18. The recommendation instructed parties that they could file written objections with the Clerk of the Court within ten days after being served with a copy of the Report and Recommendation, and that failure to timely file objections would result in waiver of the right to appeal from a judgment of this Court based upon the Report and Recommendation. No objections were filed.

For the reasons stated in the Magistrate Judge's opinion, the Court **ADOPTS** the Report and Recommendation (dkt. no. 29) in its entirety, and, accordingly, **ORDERS** the Commissioner to pay \$2,997.18 in attorney's fees to Washington's counsel.

The Clerk is directed to mail a copy of this Order to counsel of record.

Dated: November 13, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE